

Sec. 4. Section 99F.7, subsection 10, paragraph a, Code 1995, is amended to read as follows:

a. A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the qualified electors of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at a general election or at a special election called for that purpose. To be submitted at a general election, the petition must be received by the board of supervisors at least five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued. ~~After a referendum has been held, another referendum requested by petition shall not be held for at least two years.~~

Sec. 5. Section 99F.7, subsection 10, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. After a referendum has been held which defeated a proposal to conduct gambling games on excursion gambling boats or which defeated a proposal to conduct gambling games at a licensed pari-mutuel racetrack enclosure as provided in this section, another referendum on a proposal to conduct gambling games on an excursion gambling boat or at a licensed pari-mutuel racetrack shall not be held for at least two years.

Sec. 6. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment. Sections 1 through 3 of this Act apply retroactively to January 1, 1995, and sections 4 and 5 apply retroactively to September 1, 1994.

Approved May 16, 1995

CHAPTER 177

SNOWMOBILE AND ALL-TERRAIN VEHICLE OPERATION ON PUBLIC LAND

H.F. 340

AN ACT providing for the operation of snowmobiles and all-terrain vehicles by defining public land.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321G.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Public land" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321G.7.

Approved May 16, 1995

CHAPTER 178
JURISDICTION IN KIDNAPPING CASES
H.F. 29

AN ACT to provide a presumption that kidnapping has occurred within the state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 803.1, subsection 2, Code 1995, is amended to read as follows:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a murder victim is found within the state, the death is presumed to have occurred within the state. If a kidnapping victim, or the body of a kidnapping victim, is found within the state, the confinement or removal of the victim from one place to another is presumed to have occurred within the state.

Approved May 16, 1995

CHAPTER 179
INMATE LITERACY AND EDUCATIONAL REQUIREMENTS
S.F. 120

AN ACT requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 904.516 ACADEMIC ACHIEVEMENT OF INMATES – LITERACY AND HIGH SCHOOL EQUIVALENCY PROGRAMS.

1. Effective July 1, 1997, a person who is committed to the custody of the director of the department of corrections may be evaluated for purposes of determining the level of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, social studies, and the sciences.

2. Persons who demonstrate functional literacy competence below the sixth grade level may be required to participate in literacy programs established by the department. Participation shall be voluntary, but shall be reflected as part of the person's record at the institution. Persons who are required to participate in literacy programs and who refuse to participate shall be subject to the following penalties:

- a. Eligibility only for a minimum allowance.
- b. Placement on idle status.
- c. Ineligibility for work bonuses.
- d. Ineligibility for minimum out or minimum live out status.
- e. Ineligibility for other privileges as determined by the department.

3. Persons who have not completed the requirements for high school or a high school equivalency diploma may be required to complete the requirements for and to obtain a high school equivalency diploma under chapter 259A.

4. The department, in cooperation with the board of parole, shall adopt rules which establish a procedure for evaluation of inmates to determine basic skills achievement, and